

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ALL AMERICAN FLEET SERVICES, INC.	§	
D/B/A GULF COAST FLEET	§	
TOWING/RON'S TOWING,	§	
<i>Plaintiff</i>	§	
	§	Civil Action No. 4:19-cv-1070
vs.	§	
	§	
WESTCHESTER SURPLUS LINES	§	
INSURANCE COMPANY,	§	
<i>Defendant</i>	§	

**DEFENDANT WESTCHESTER SURPLUS LINES INSURANCE COMPANY'S
NOTICE OF REMOVAL**

Defendant Westchester Surplus Lines Insurance Company ("Westchester") gives notice of removal of this Civil Action from the 127th Judicial District Court of Harris County, Texas to this Court:

1. Westchester Surplus Lines Insurance Company was served with process on February 20, 2019, through the Commissioner of Insurance. Therefore, this Notice for Removal is timely filed under 28 U.S.C. §1446(b) within 30 days after the receipt by Westchester of the first notice of the Plaintiff's Original Petition ("Petition").

2. This action is one of a civil nature for damages caused by alleged wrongful acts of Defendant in the investigation and payment of losses in Harris County, Texas under a policy of insurance.

3. Plaintiff All American Fleet Services, Inc. d/b/a Gulf Coast Fleet Towing/Ron's Towing is a citizen of the State of Texas, having been incorporated in Texas with its principal place of business located in Texas.

4. Defendant Westchester is a foreign citizen. It is a company organized under the laws of the state of Georgia, with its principal place of business in Pennsylvania.

5. Defendant Westchester removes this case to federal court because complete diversity of citizenship exists among the parties.

6. The matter seeks monetary relief over \$100,000 but no more than \$200,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest and attorney's fees, giving rise to original federal court jurisdiction pursuant to 28 U.S.C. §1332.

7. Venue is proper in this district under 28 U.S.C. §1441(a) because the state court where the suit has been pending is located in this district.

8. The United States District Court has original jurisdiction under 28 U.S.C. §1332. This action is removable under 28 U.S.C. §1441(a) and (b).

9. Defendant will promptly file a copy of this Notice of Removal with the clerk of the state court where the suit has been pending.

10. Plaintiff did not demand a jury trial in the state court suit.

11. Pursuant to Local Rule 81, Defendant attaches the following along with an Index of Documents being filed:

- a) Plaintiff's Original Petition;
- b) Defendant Westchester Surplus Lines Insurance Company's Answer to Plaintiff's Original Petition;
- c) a copy of the Docket Sheet as printed from the Harris County District Clerk's website;
- d) Civil Cover Sheet;
- e) List of Counsel of Record; and
- f) Disclosure Statement under Rule 7.1(a).

Defendant, Westchester Surplus Lines Insurance Company, requests that the above-described action now pending in the 127th Judicial District Court of Harris County, Texas be removed to this Honorable Court.

Respectfully submitted,

PREIS PLC

By: /s/ Frank A. Piccolo
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**COUNSEL FOR DEFENDANT
WESTCHESTER SURPLUS LINES
INSURANCE COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on all counsel of record in this proceeding in accordance with the FEDERAL RULES OF CIVIL PROCEDURE on this the 22nd day of March 2019.

/s/ Frank A. Piccolo
Frank A. Piccolo